

REMARKS

This responds to the Office Action mailed on February 27, 2007. Claims 1, 11, 17, 22, and 26 are amended, claim 21 is canceled without prejudice or disclaimer, and no claims are added; as a result, claims 1-3, 5-6, 8-20, 22-28, and 30-34 remain pending in this application.

§102 Rejection of the Claims

Claims 17 and 21 were rejected under 35 U.S.C. § 102(b) for anticipation by Mowlai-Ashtiani (U.S. Patent No. 6,110,182). Claim 21 is cancelled, thus the rejection with respect to this claim is moot. Applicant respectfully submits that claim 17 is distinguishable over Mowlai-Ashtiani for at least the following reasons.

The rejection states that “the portion of the standoff features that holds the large screw (see Figure 1, the screw on the side of the head) comprises the ‘shelf’ portion.” (Page 2, ¶2 of the present Office Action). Applicant is, however, unable to find in Mowlai-Ashtiani at least one standoff feature that includes a shelf to determine an attachment thickness in combination with the bone screw wherein the attachment thickness is less than a standoff feature thickness.

In contrast, claim 17 as amended includes at least one standoff feature that includes a shelf to determine an attachment thickness in combination with the bone screw wherein the attachment thickness is less than a standoff feature thickness. Support for the amendment can be found in the specification in general, and at least in Figure 3C, and on page 13 line 24 through page 14 line 2.

Because Mowlai-Ashtiani does not show every element of Applicant’s independent claims, a 35 USC §102(b) rejection is not supported. Reconsideration and withdrawal of the rejection are respectfully requested.

§103 Rejection of the Claims

Claims 1-3, 6, 9, 11, 12 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mocarski (U.S. Patent No. 3,073,310) in view of Mowlai-Ashtiani. Claims 5 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mocarski (U.S. Patent

No. 3,073,310) in view of Mowlai-Ashtiani as applied to the claims above, and further in view of Hennig (U.S. Patent No. 6,328,748 B1). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mocarski (U.S. Patent No. 3,073,310) in view of Mowlai-Ashtiani as applied to the claims above, and further in view of Ghajar et al. (U.S. Patent No. 4,998,938). Claims 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mowlai-Ashtiani. Claims 22, 23 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mocarski (U.S. Patent No. 3,073,310) in view of Mowlai-Ashtiani, and further in view of Hennig.

Applicant respectfully submits that the remaining claims are distinguishable over the cited patents for at least the reasons discussed above under 35 U.S.C. § 102. The additional references of Mocarski, Ghajar, and Hennig fail to cure the rejection based on Mowlai-Ashtiani for at least the reasons outlined above.

For example, the rejection states that Mocarski discloses a number of standoff features 13. The rejection further states with regard to Mocarski that a “top portion of the standoff features comprises the ‘shelf’ portion.” However, Applicant is unable to find in Mocarski at least one standoff feature that includes a shelf to determine an attachment thickness in combination with the bone screw wherein the attachment thickness is less than a standoff feature thickness.

Similar to claim 17 as discussed above, in contrast to Mocarski, claims 1, 11, 22, and 26 as amended include at least one standoff feature that includes a shelf to determine an attachment thickness in combination with the bone screw wherein the attachment thickness is less than a standoff feature thickness.

Because the cited references, either alone or in combination, do not show every element of Applicant’s independent claims, a 35 USC §103(a) rejection is not supported by the references. Reconsideration and withdrawal of the rejection are respectfully requested with respect to Applicant’s independent claims 1, 11, 17, 22, and 26. Additionally, reconsideration and withdrawal of the rejection are respectfully requested with respect to the remaining claims at least as depending on allowable base claims.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6944 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

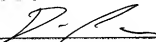
Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence

of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03.

Respectfully submitted,
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29th day of May 2007.

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Name


Signature